



AP 021

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)
331.1050

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 25, 2006.

Signature

Typed or printed

name Jennifer L. O'Connell

In re Application of

GERLICH et al.

Application Number

10/665,137

Filed

09/18/2003

For CIRCUITRY CONFIGURATION FOR AN ELECTROMAGNETIC
REGENERATION VALVE ACTUATABLE BY PULSE-WIDTH
MODULATION FOR VENTING THE TANK OF A MOTOR VEHICLEArt Unit
2836Examiner
KITOVApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 000.00☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0552. I have enclosed a duplicate copy of this sheet.☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.Registration number 38,156.☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

William C. Gehris

Typed or printed name

212-736-1940

Telephone number

July 25, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FORM PTO-1083
Mail Stop AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313



Docket No.: 331.1050
Date: July 25, 2006

In re application of: **Torsten GERLICH et al.**
Serial No.: 10/665,137
Filed: September 18, 2003
For: **CIRCUITRY CONFIGURATION FOR AN ELECTROMAGNETIC REGENERATION VALVE
ACTUATABLE BY PULSE-WIDTH MODULATION FOR VENTING THE TANK OF A MOTOR
VEHICLE**

Sir:

Transmitted herewith is a **Notice of Appeal (1 page)** in the above-identified patent application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- ☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:

- ☒ Also transmitted herewith are:
 - ☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
 - ☒ Other: **Letter Re: Notice of Appeal (1 pg)**

- ☐ Check(s) in the amount of **\$000.00** is/are attached to cover:
 - ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 - ☐ Petition fee for extension under 37 C.F.R. 1.136
 - ☐ Other:

- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

William C. Gehris, Reg. No. 38,156
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Mail Stop: AF, Commissioner for Patents, Alexandria, VA 22313" on July 25, 2006.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY Jennifer L. O'Connell



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/665,137
Applicant: Torsten GERLICH et al.
Attorney Docket: 331.1050
Filing Date: September 18, 2003
Title: **CIRCUITRY CONFIGURATION FOR AN
ELECTROMAGNETIC REGENERATION VALVE
ACTUATABLE BY PULSE-WIDTH MODULATION
FOR VENTING THE TANK OF A MOTOR
VEHICLE**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 25, 2006

LETTER RE: NOTICE OF APPEAL

Sir:

In response to the Final Office Action dated May 4, 2006, a new Notice of Appeal is submitted herewith. As stated in the Final Office Action, the previously paid Notice of Appeal fee and Appeal Brief fee can be applied to the new appeal. The previous Notice of Appeal was filed on December 8, 2005.

Therefore, no fee is believed due. In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris
(Reg. No. 38,156)

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue - 14th Floor
New York, New York 10018
(212) 736-1940